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24505	7590	10/17/2007	EXAMINER	
DANIEL J SWIRSKY 55 REUVEN ST. BEIT SHEMESH, 99544 ISRAEL			KUCAB, JAMIE R	
			ART UNIT	PAPER NUMBER
			3621	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/078,000

Applicant(s)

PELED ET AL.

Examiner

Jamie Kucab

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Acknowledgements***

1. Applicants' response filed July 5, 2007 is acknowledged.
2. Claims 1-25 are pending in the application.
3. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

***Response to Arguments***

4. Applicant's argument filed July 5, 2007 regarding the 112 first paragraph rejection of claim 1 has been fully considered and is persuasive. Therefore, the previous rejection is withdrawn. However, a new 112 first paragraph rejection was necessitated by Applicants' amendment and is presented below.
5. Applicant's arguments filed July 5, 2007 regarding the 103 rejection of claims 1-25 have been fully considered but they are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The issue of the phrase "wherein said first intermediate entity

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computer is separate from said computer associated with said mediating delivering entity" has no support in the specification. To the extent that the Examiner has been able to review the specification, the Examiner has not been able to locate support for such phrase within the specification originally filed. Further, the Examiner is unable to find support for any of the various claimed entities being a separate computer with the exception of the first entity / client (line 2 of page 19 of the specification). Clarification is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0027617 A1 to Jeffrey M. Zucker et al in view of U.S. Patent Application Publication No. 2004/0002903 to Salvatore J. Stolfo et al. and further in view of either U.S. Patent Application Publication 2001/0037316 A1 to Dekel Shiloh or U.S. Patent Application Publication US 2003/0069857 A1 to Laurence E. Junda.

10. As per claim 1, Zucker clearly teaches a method for making an anonymous computerized commerce transaction involving the delivery of digital merchandise comprising:

sending first sensitive information from a computer associated with a first entity to a computer associated with a first intermediate entity (See Zucker abstract, figures 1-12 and associated text, paragraphs [0015]-[0020];

processing said first sensitive information at said first intermediate entity computer (See Zucker paragraphs [0047] and [0059]-[0067]);

creating first non-sensitive information operable to approve said transaction by said first intermediate entity computer (See Zucker paragraphs [0048]-[0051]);

sending said first non-sensitive information to a computer associated with a third entity operable to perform said transaction (See Zucker paragraphs [0048]-[0051] and [0083]-[0085]);;

performing said transaction at said third entity, and digitally transferring said digital merchandise to said first entity computer via a computer associated with a delivering entity comprising information operable to deliver said digital merchandise to said first entity without revealing said first sensitive information to said third entity (See Zucker paragraphs [0048]-[0051], [0083]-[0085], and [0113]-[0119]).

11. What Zucker does not clearly disclose, is the transmission of the digital or electronic goods over a computer communication network rather than physical delivery of such goods via CD-ROM, DVD, or any other medium that needs a physical delivery. However, Stolfo clearly teaches the delivery of such digital and electronic goods via a computer communication network as well as keeping the receiver of such goods anonymous to the sender as it has thought by Zucker as to obfuscate the delivery address of the receiver (See Stolfo abstract, paragraph [0001], [0046], [0057], [0106]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the methods of Zucker and Stolfo for the motivation of privacy, speed of delivery and as well as economical gains of saving the costs related to physical delivery as well as keeping the address of the first entity being physical or virtual anonymous.

12. Zucker in view of Stolfo does not explicitly disclose wherein said first intermediate entity computer is separate from said computer associated with said mediating delivering entity. However, both Shiloh and Junda clearly teach wherein said first intermediate entity computer (Proxy Agent 140 in Fig. 1 and paragraphs [0030] - [0085], Junda; or Shipping Processing 34 in Fig. 2 and paragraphs [0044] - [0092], Shiloh) is separate from said computer associated with said mediating delivering entity (Delivery

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Computer 152 in Fig. 1 and paragraphs [0030] - [0085], Junda; or Shipping Processing 34 in Fig. 2 and paragraphs [0044] - [0092], Shiloh). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the separation of the intermediate entity computer and mediating delivering entity computer of either Shiloh or Junda with the method of Zucker in view of Stolfo for the motivation of privacy, computational efficiency, improved response time, and room for expansion.

13. As per claims 6-9 and 10-23, Zucker clearly teaches a method according to claim 1 wherein said method further comprises a second intermediate entity operable to receive second sensitive information from said third entity and operable to process said second sensitive information and operable to create second non sensitive information operable to be sent to said first entity without revealing said second sensitive information said second non sensitive information operable to approve said transaction and such different combination of entities to obfuscate the original entity (See Zucker paragraphs [0126]-[0127]).

14. As per claims 24-25, Zucker clearly teaches a method according to claim 1 wherein said method further comprises a third intermediate entity operable to receive third sensitive information from said third entity and operable to process said second sensitive information and operable to create third non sensitive information operable to be sent to a fourth entity without revealing said third sensitive information, said third non sensitive information operable to approve said transaction (See Zucker paragraphs [0033]-[0051], [0056]-[0067], [0083]-[0085], and [0113]-0119)).

15. As per claims 2-5, Zucker clearly teaches a method according to claim 1, what Zucker is not explicit about is the said merchandise comprises digital video, audio, and software content. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made

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to consider the merchandise or the item to be delivered is in digital form for the motivation of the additional flexibility of delivery as well as enhanced choices of merchandise.

**16.** Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

**17.** Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

**18.** A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. References considered pertinent to Applicants' disclosure are listed on form PTO-892. All references listed on form PTO-892 are cited in their entirety.


20. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jamie Kucab whose telephone number is 571-270-3025. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm EST.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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